OLD DOMINION S. S. CO. *v.* BLAKEMAN.

Jan. 20, 1921.

[105 S. E. 752.]

1. Carriers (§ 30*)—Shipper Bound by Rates Filed with Interstate Commerce Commission.—The tariff of rates filed with the Interstate Commerce Commission by a carrier is binding and conclusive upon the shipper, who is charged with notice thereof, as well as the carrier, so long as it remains operative.

[Ed. Note.—For other cases, see 15 Va.-W. Va. Enc. Dig. 528.]

2. Carriers (§ 53*)—Bill of Lading Is Contract unless Contrary to Law.—The bill of lading issued by a carrier and accepted by the shipper becomes the contract of shipment and governs the right of the parties, notwithstanding prior and contemporaneous oral agreements, unless the contract is one forbidden by law, in which case it is void, and the status of the parties is the same as if it had never been entered into.

[Ed. Note.—For other cases, see 2 Va.-W. Va. Enc. Dig. 677.]

3. Carriers (§ 110*)—Illegal Bill of Lading Issued by Mistake Does Not Limit Liability, and Shipper May Recover Full Value of Goods Lost.—Where the shipper stated to the carrier's agent the contents of the boxes, which under the filed tariffs required a high rate with no limitation of liability, but the carrier's agent without shipper's knowledge or consent described the goods in the bill of lading so as to take a lower rate with limitation of the carrier's liability, the bill of lading was forbidden by law, and does not estop the shipper from recovering the full value of his goods after they were lost in shipment any more than it estops the carrier from selecting the correct rate.

[Ed. Note.—For other cases, see 2 Va.-W. Va. Enc. Dig. 677.]

4. Trial (§ 260 (1)*)—Requested Instruction Covered by Given Instruction May Be Refused.—A requested instruction which was sufficiently covered by an instruction already given by the court may be refused without error.

[Ed. Note.—For other cases, see 7 Va.-W. Va. Enc. Dig. 707.]

5. Appeal and Error (§ 690 (4)*)—Exception to Overruling Objection to Question Must Show Answer.—An exception to the overruling of an objection to a question does not disclose error where the bill of exceptions does not give the answer of the witness to the question.

[Ed. Note.—For other cases. see 1 Va.-W. Va. Enc. Dig. 503.]

Error to Circuit Court, Gloucester County.

Action by T. G. Blakeman against the Old Dominion Steam-

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.

ship Company. Judgment for the plaintiff, and defendant brings error. Amended and affirmed.

J. Boyd Sears, of Mathews, and *J. D. Hank, Jr.,* of Richmond, for plaintiff in error.

Wm. C. L. Taliaferro, of Hampton, for defendant in error.

KARABALIS *v.* E. I. DU PONT DE NEMOURS & CO.

Jan. 20, 1921.

[105 S. E. 755.]

1. Constitutional Law (§ 245*)—Legislature under Police Power Could Classify Employers in Fixing Liability for Injuries to Employees.—In view of Const. 1902, § 162, the Legislature had constitutional authority in the exercise of the state's police power to make a classification in Employer's Liability Act, based on a distinction between employees of corporations and of partnerships or private persons engaged in the same or similar business, and between employees of railroads which are common carriers and of parties operating railroads as incidental to private business, and such classification, being within the legitimate exercise of legislative discretion, is valid in the purview of the equal protection clause of Const. U. S. Amend. 14.

[Ed. Note.—For other cases, see 3 Va.-W. Va. Enc. Dig. 202, 229.]

2. Statutes (§ 225*)—Meaning of Words Found by Considering Similar Statutes.—In construing a statute the legislative meaning of the words must be found by considering them in the light of other legislation in the particular state on the same subject and other existing general legislation.

[Ed. Note.—For other cases, see 12 Va.-W. Va. Enc. Dig. 761.]

3. Master and Servant (§ 180 (2, 3)*)—Statutory Liability of "Railroad" Inapplicable to Manufacturing Corporation Operating Private Railroad.—Only railroad common carrier employees, and not employees of a manufacturing corporation operating a private railroad, are embraced in the class of employees specified in Employers' Liability Act 1912, p. 583 (Code 1904, § 1294—k; Code 1919, §§ 5791-5796), making a "railroad" corporation liable for an employee's injury from the negligence of a coemployee, as provided in Const. 1902, § 162, abolishing the fellow servant doctrine as to employees of railroads whose powers and duties are defined by sections 3856, 3936, 3945, 3955, 3971, 3994, 3995, 3998 of the Code of 1919.

[Ed. Note.—For other cases, see 16 Va.-W. Va. Enc. Dig. 879.]

4. Master and Servant (§ 216 (4)*)—Risk of Injury by Fellow

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*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.